

# APPENDIX

## EXHIBIT 17

United States Rebar, Inc.

represented by **Michael Marc Rabinowitz**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/17/2005	<u>1</u>	COMPLAINT against United States Rebar, Inc. \$ 250, filed by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund, Tony D'Amico, Robert Ledwith. (Attachments: # <u>1</u> Civil Cover Sheet)(Villanueva, William) Additional attachment(s) added on 7/1/2005 (Villanueva, William). (Entered: 05/24/2005)
05/17/2005		Summons Issued as to United States Rebar, Inc. (Villanueva, William) (Entered: 05/24/2005)
06/13/2005	<u>2</u>	SUMMONS Returned Executed by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. United States Rebar, Inc. served on 6/1/2005, answer due 6/21/2005. (Kaming, Joseph) (Entered: 06/13/2005)
06/30/2005	<u>3</u>	Letter from Joseph S. Kaming to Clerk's Office Regarding deletion of Exhibit C attached to the Complaint(Document #1) from ECF. (Villanueva, William) (Entered: 07/01/2005)
07/06/2005	<u>4</u>	STIPULATION. Letter from Gayle Rosen dated 6/30/05 and Stipulation. It is hereby stipulated and agreed, by and between the undersigned attorneys for the respective parties herein, that the time for the Defendant to answer move to otherwise respond to the complaint is extended and including July 15, 2005. SO ORDERED. Ordered by Judge Cheryl L. Pollak on 7/6/05. (Caggiano, Diana) (Entered: 07/06/2005)
07/18/2005	<u>5</u>	MOTION for Default Judgment as to <i>Defendant United States Rebar, Inc.</i> by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> )(Kaming, Joseph) (Entered: 07/18/2005)
07/18/2005	<u>6</u>	AFFIDAVIT of Service for Default Judgment <i>as to Defendant United States Rebar, Inc.</i> served on United States Rebar, Inc., Defendant and Michael M. Rabinowitz, Esq. of Rabinowitz and Galina, Esqs., on July 18, 2005, filed by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Kaming,

		Joseph) (Entered: 07/18/2005)
07/20/2005	<u>7</u>	ANSWER to Complaint by United States Rebar, Inc..(Giampilis, Michael) (Entered: 07/20/2005)
07/21/2005	<u>8</u>	Letter from Joseph S. Kaming to Honorable Carol B. Amon Regarding Defendant's answer a nullity and Plaintiff requests Court to proceed to grant default judgment in favor of Plaintiff. (Kaming, Joseph) (Entered: 07/21/2005)
07/25/2005		ORDER re <u>8</u> Letter from Plaintiff's counsel requesting the Court to consider the defendant's answer a nullity and proceed to grant the default judgment in favor of the plaintiffs. THIS MATTER IS RESPECTFULLY REFERRED TO MAGISTRATE JUDGE POLLAK TO CONFERENCE AND ATTEMPT TO RESOLVE. Ordered by Judge Carol B. Amon on 7/22/05. (Liberatore, Marie) (Entered: 07/25/2005)
07/25/2005		MOTIONS <u>5</u> MOTION for Default Judgment as to <i>Defendant United States Rebar, Inc.</i> REFERRED to Judge USMJ POLLAK. (Permaul, Jenny) (Entered: 11/07/2005)
08/15/2005	<u>9</u>	Letter dated 7/28/05 from Michael M. Rabinowitz, Esq. to Judge Amon, advising that Answer has been filed, and requesting a conference be set in this matter. (Permaul, Jenny) (Entered: 08/15/2005)
08/15/2005	<u>10</u>	SCHEDULING ORDER: An initial conference has been scheduled in the above-captioned case on SEPTEMBER 20, 2005 at 12:30 p.m., before the Honorable Cheryl L. Pollak. Ordered by Judge Cheryl L. Pollak on 8/15/05. (Caggiano, Diana) (Entered: 08/15/2005)
09/20/2005	<u>11</u>	Minute Entry: Initial Conference held before Magistrate Cheryl L. Pollak on 9/20/2005. Parties to meet with auditors to determine amounts owed within 2 weeks. Next conference set for 10/25/05 at 9:30 a.m. (Pollak, Cheryl) (Entered: 09/20/2005)
10/21/2005	<u>12</u>	ENDORSED LETTER ORDER: Letter dated 10/20/05 from Joseph Kaming requesting the 10/25/05 conference be adjourned. RULING - Conference adjourned to 11/22/05 @ 9:00 AM. Ordered by Judge Cheryl L. Pollak on 10/20/05. (Caggiano, Diana) (Entered: 10/21/2005)
11/21/2005	<u>13</u>	RESCHEDULING ORDER: The Status Conference previously scheduled for November 22, 2005 has been rescheduled to DECEMBER 16, 2005 at 11:00 AM. before the Honorable Cheryl L. Pollak. Ordered by Judge Cheryl L. Pollak on 11/21/05. (Caggiano, Diana) (Entered: 11/21/2005)
12/16/2005	<u>14</u>	MINUTE ENTRY for Telephone Conference proceeding held before MJ Cheryl L. Pollak on 12/16/2005. Parties close to settlement. Conference set for 1/12/06 @ 9:00 AM (Caggiano, Diana) (Entered: 12/16/2005)
01/10/2006	<u>15</u>	ORDER endorsed on letter dated 1/10/06 from Koseph Kaming to Mag. Pollak requesting a three week adjournment of the 1/12/06 conference. - Conference adjourned to 2/8/06 at 9:00 a.m. Ordered by Judge Cheryl L. Pollak on 1/10/06. (Black, Amanda) (Entered: 01/10/2006)

02/01/2006	<u>16</u>	Letter by United States Rebar, Inc.. (Galina, Michael) (Entered: 02/01/2006)
02/02/2006	<u>17</u>	NOTICE: A TELEPHONE CONFERENCE WILL BE HELD ON FEBRUARY 7, 2006 at NOON with the Honorable Carol Bagley Amon. Joseph Kaming, Esq. is directed to coordinate the conference call (718-613-2410) on the above date and time. (Liberatore, Marie) (Entered: 02/02/2006)
02/02/2006	<u>18</u>	ORDER endorsed re <u>16</u> Letter filed by United States Rebar, Inc. - The conference will go forward as scheduled. Ordered by Judge Cheryl L. Pollak on 2/2/06. (Pollak, Cheryl) (Entered: 02/02/2006)
02/07/2006	<u>19</u>	Letter <i>re settlement of matter subject to being reopened within two weeks if settlement papers not signed. Cancellation of conference of 9:00 a.m., Wednesday, February 8, 2006</i> by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Kaming, Joseph) (Entered: 02/07/2006)
02/07/2006		Minute Entry: Telephone conference held before Judge Amon on 2/7/2006. Appearances: For plaintiff - Joseph Kaming. For defendant - Michael Rabinowitz. THE PARTIES REPORT THAT THIS CASE HAS SETTLED. A FINAL, SIGNED STIPULATION WILL BE REACHED WITHIN TWO WEEKS. ACCORDINGLY, THE CASE WILL BE CLOSED. PLAINTIFFS MAY SEEK TO REOPEN THE CASE IF SETTLEMENT DOCUMENTS ARE NOT FINALIZED WITHIN 14 DAYS. THE CLERK OF THE COURT IS DIRECTED TO CLOSE THE CASE. SO ORDERED. CAROL B. AMON, USDJ. (Court Reporter Anthony Frisolone.) (Amon, Carol) (Entered: 02/07/2006)
02/13/2006	<u>20</u>	ORDER: The 2/8/06 conf. in this matter is cancelled. Ordered by Judge Cheryl L. Pollak on 2/7/06. (Endorsed on letter dated 2/7/06 from Josphe S. Kaming, Esq.)(Permaul, Jenny) (Entered: 02/13/2006)
02/21/2006	<u>21</u>	Letter to Judge Amon requesting 3 weeks to finalize settlement by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Kaming, Joseph) (Entered: 02/21/2006)
02/22/2006		ORDER re <u>21</u> Letter filed by Local #46, et al. requesting a three week extension to finalize the settlement. APPLICATION GRANTED. Ordered by Judge Carol B. Amon on 2/22/06. (Liberatore, Marie) (Entered: 02/22/2006)
03/17/2006	<u>22</u>	STATUS REPORT letter to Judge Amon - settlement paers being circulated for signature, expect papers signed wilthin 3 wks to be presented to Court to be So Ordered by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Kaming, Joseph) (Entered: 03/17/2006)
04/06/2006	<u>23</u>	STIPULATION of Settlement by Local #46 Metallic Lathers Union and

		Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. (Kaming, Joseph) (Entered: 04/06/2006)
04/07/2006		ORDER re 23 Stipulation filed by Local #46 Metallic Lathers Union and Reinforcing Iron Workers Welfare Trust, Annuity Fund, Pension Fund, Apprenticeship Fund, Vacation Fund and Scholarship Fund. So Ordered by Judge Carol B. Amon on 4/7/06. (Liberatore, Marie) (Entered: 04/07/2006)

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